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CENTRAL FAX CENTER**AUG 04 2011****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
Before the Board of Patent Appeals and Interferences

In re Patent Application of

NIGHTINGALE

Atty. Ref.: JRL-550-510

Serial No. 10/764,495

TC/A.U.: 2128

Filed: January 27, 2004

Examiner: Alhija, Saif A.

For: APPARATUS AND METHOD FOR PERFORMING HARDWARE AND
SOFTWARE CO-VERIFICATION TESTING

* * * * *

August 4, 2011

Attn: Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re Appeal No. 2009-002116

Sir:

REQUEST TO RESCHEDULE ORAL HEARING

In response to the Notice of Hearing mailed August 1, 2011, Appellant's undersigned representative respectfully requests that the Oral Hearing in Appeal No. 2009-002116 scheduled for Thursday, September 8, 2011, be rescheduled.

Upon receipt of the "Notice of Hearing," Appellant's undersigned representative checked his calendar and the undersigned will be away on previously scheduled travel on September 8, 2011. Confirmation of the travel arrangements for this previously-scheduled trip was received prior to the mailing of the Notice of Hearing.

Pursuant to the Clerk's instructions, Appellant encloses herewith the Notice of Hearing form signed and dated, but without checking "hearing attendance confirmed" or "hearing attendance waived" since Appellant intends to attend the Oral Hearing when it is appropriately rescheduled. In the event that a telephone discussion with the Clerk will facilitate the PTO's

NIGHTINGALE
Serial No. 10/764,495

rescheduling of the hearing, the Clerk is respectfully requested to contact Appellant's
undersigned representative.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


John R. Lastova
Reg. No. 33,149

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AUG 04 2011



UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203Appeal No: 2009-002116
Appellant: Andrew Mark Nightingale
Application No: 10/764,495
Hearing Room: A
Hearing Docket: B
Hearing Date: Thursday, September 08, 2011
Hearing Time: 01:00 PM
Location: Madison Building - East Wing
600 Dulany Street, 9th Floor
Alexandria, Virginia 22313-1450NOTICE OF HEARING
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address: Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. BOX 1450
Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE () HEARING ATTENDANCE CONFIRMED () HEARING ATTENDANCE WAIVED


Signature of Attorney/Agent/AppellantAugust 4, 2011
Date33,149
Registration No.

Names of other visitors expected to accompany counsel: _____

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see
http://www.uspto.gov/web/offices/dcom/acounsel/contact.htm#bpa_contacts